

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

DR. FADI CHAABAN, DR. SABINO R.
TORRE, DR. CONSTANTINOS A.
COSTEAS, AND DR. ANTHONY J.
CASELLA as Trustees of Diagnostic &
Clinical Cardiology, P.A. Profit Sharing
Plan,

Plaintiffs,

v.

DR. MARIO A. CRISCITO,

Defendant.

Civil Action No. 08-1567 (SDW)

ORDER

April 22, 2013

**ORDER ADOPTING THE REPORT AND RECOMMENDATION
OF THE MAGISTRATE JUDGE**

This matter comes before the Court on the Report and Recommendation (“R&R”) of United States Magistrate Judge Madeline C. Arleo filed April 3, 2012, regarding (1) attorney’s fees, expenses and costs incurred in connection with this action against defendant Doctor Mario A. Criscito (“Defendant”); and (2) attorney’s fees and costs spent defending against Defendant’s appeal of the district court’s final judgment.¹ Defendant filed objections to the R&R on April 17, 2013.

The Court has reviewed the R&R and related documents on file in this matter along with Defendant’s objections. Based on the analysis and reasons set forth in the R&R, and for good cause shown,

IT IS, on this 22nd day of April, 2013,

¹ The Third Circuit granted plaintiffs/appellees’ motion for attorney’s fees and costs. However, under Local Appellate Rule 108.2, the Third Circuit referred the motion to this Court for calculation of the amount due.

ORDERED that the R&R of Magistrate Judge Arleo is **ADOPTED** by this Court; and it is further

ORDERED that both of Plaintiffs' fee applications are **GRANTED**; and it is further

ORDERED that Defendant be ordered to pay \$921,807.00 in fees and \$52,600.13 in expenses and costs, totaling \$974,407.13 in connection with the entry of final judgment;² and it is further

ORDERED that Defendant be ordered to pay \$110,580.00 in fees and \$3,163.38 in expenses and costs, totaling \$113,743.38 in connection with the appeal.³

SO ORDERED.

s/Susan D. Wigenton, U.S.D.J.

cc: Magistrate Judge Madeline C. Arleo

² The breakdown of the award in connection with the District Court action is as follows:
Joy M. Mercer, P.C.:

Legal Fees To Be Paid:	\$ 58,835.50
Costs To Be Paid:	\$ 5,245.52
Total:	\$ 64,081.02

Riker Danzig:

Legal Fees To Be Paid:	\$ 7,042.00
Costs To Be Paid:	\$ 0.00
Total:	\$ 7,042.00

Witman Stadtmauer:

Legal Fees To Be Paid:	\$ 444,248.00
Costs To Be Paid:	\$ 6,723.98
Total:	\$ 450,971.98

Carella Byrne:

Legal Fees To Be Paid:	\$ 411,681.50
Costs To Be Paid:	\$ 6,305.79
Total:	\$ 417,987.29

Abar Pension Services, Inc. (Pension Consultants):

Fees To Be Paid:	\$ 27,978.00
Costs To Be Paid:	\$ 0.00
Total:	\$ 27,978.00

Plaintiffs for third party vendor services:

Total Costs To Be Paid:	\$ 6,346.84
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Total Attorneys' Fees and Costs: \$ 921,807.00 (attorney's fees); \$ 52,600.13 (costs)

Total Attorneys' Fees and Costs Award: \$ 974,407.13 (total)

³ Plaintiffs did not itemize the fees and costs individually sought by the Witman and Carella firms. Thus, this Court notes only the total amount of fees and costs awarded in connection with the appeal.